

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SYLVESTER STROMAN,

Petitioner,

v.

9:05-CV-0624
(GTS/GJD)

JOSEPH F. DAVID, Superintendent,
Greene Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

SYLVESTER STROMAN, 02-A-3636

Petitioner, *Pro Se*
Wallkill Correctional Facility
Box G
Wallkill, NY 12589

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Counsel for Respondent
The Capitol
Albany, NY 12224

MICHAEL G. McCARTIN, ESQ.
Assistant Attorney General

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Sylvester Stroman ("Petitioner") brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Dkt. No. 1.) By Report-Recommendation dated November 19, 2008, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that the petition be denied and dismissed, and that a certificate of appealability not be issued. (Dkt. No. 16.) Petitioner has not filed any objections to the Report-Recommendation within the time allotted. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); N.D.N.Y. L.R. 72.1(c); Fed. R. Civ.

P. 6(a)(2), (d). Based upon a careful review of the entire file and the recommendations of Magistrate Judge DiBianco, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. *See* 28 U.S.C. § 636(b)(1).

ACCORDINGLY, it is

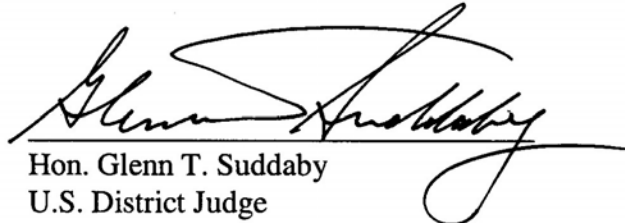
ORDERED that Magistrate Judge DiBianco's Report-Recommendation (Dkt. No. 16) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Petitioner's petition (Dkt. No. 1) is **DENIED** and **DISMISSED** in its entirety; and it is further

ORDERED that a Certificate of Appealability will not be issued; and it is further

ORDERED that the Clerk of the Court shall enter judgment accordingly and close the file.

Dated: January 28, 2009
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge